



State of South Carolina

Office of the Governor

MARK SANFORD
GOVERNOR

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June 7, 2005

The Honorable David Wilkins
Speaker of the House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Mr. Speaker and Members of the House:

I am hereby vetoing and returning without my approval H. 3250, R-180.

We believe that the doctor-patient relationship is extremely important and have supported all efforts to strengthen this tie. Specifically, we supported the South Carolina Board of Optometry's request to sign into law new regulations crafted to improve the professional standards in the state.

However, in the case of H. 3250, while the bill is well-intended, the penalty seems excessive to the public health risk. The bill allows the Department of Consumer Affairs to impose up to a \$5,000 fine on businesses or individuals who sell non-powered contact lenses without a prescription. The intent of the legislation is to stop the sale of contact lenses that change the color of the iris through a business other than an optometrist or an ophthalmologist. If the lenses are improperly used, there is a possibility of infection or damage to the eye. This can certainly be said for many items sold over-the-counter, and the fines imposed in this case go well above penalties for other legislation designed to save lives.

For instance, the General Assembly also recently passed legislation to require primary enforcement of seat belt usage. The purpose of that legislation is to ultimately save lives in South Carolina. Conversely, the fine imposed in the legislation was \$25.00.

The Food and Drug Administration has classified these lenses as cosmetic in nature and not medical devices. As such, they do not necessarily require a medical dispense before they are purchased by an individual. Additionally, no penalty is imposed by a purchaser of such lenses, who could seek out-of-state or online sources to purchase the same item, unregulated in the 42 states that do not impose this requirement. While we would not encourage the purchase or use of such lenses, we do not see the threat to the public well-being as justifying such a stiff penalty.

For the reasons stated above, I am vetoing H. 3250, R-180 and returning it to you without my signature.

Sincerely

A handwritten signature in black ink, appearing to read "Mark Sanford".

Mark Sanford